

REMARKS

Status of the Application & Formalities

Claim Status

Claims 1-20 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1, 4, 8, 18, and 20, adding new claims 21-24, and canceling claims 2-3, 5-7, and 19.

Drawings

Applicant thanks the Examiner for accepting the drawings submitted on April 6, 2006.

Foreign Priority

Applicant thanks the Examiner for acknowledging the claim to foreign priority and indicating that the certified copy of the priority document has been received from the International Bureau.

Objections to the Specification

The disclosure is objected to because of the abstract allegedly includes legal phraseology. Applicant is submitting a new abstract.

Summary of Art Rejections

1. *Claims 1, 2, 4-6, 13 and 16-20 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by US Patent No. 5,765,601 to Wells et al (Wells).*
2. *Claims 1, 2, 4-8, 10, 11, 13, 17-20 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by US PGPUB No. 2003/0071085 to Lasserre et al (Lass).*
3. *Claims 1, 2, 14 and 18 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by US Patent No. 4, 775, 081 to Morane (Morane).*
4. *Claim 3 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wells.*
5. *Claim 15 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morane in view of US Patent No. 3,428,223 to Lewiecki et al (Lew).*

Claim Rejections under 35 U.S.C. § 102

1. Claims 1, 2, 4-6, 13 and 16-20 over Wells.

Regarding independent claim 1, Applicant is amending independent claim 1 to incorporate the subject matter of original claims 2 and 3. As amended claims 4, 13, 16, and 17 depend from independent claim 1. Accordingly, the rejections of claims 1, 4, 13, 16, and 17 under Wells are now moot.

Regarding independent claim 18, Applicant is amending independent claim 18 to incorporate the subject matter of claims 19, 5, 6, and 7. As amended, claim 20 depends from independent claim 18. Accordingly, the rejections of claims 18 and 20 under Wells are now moot.

Furthermore, regarding independent claim 1, Applicant maintains that Wells does not disclose at least the claim language of “said head further comprising a bearing surface (231) on which axial pressure can be exerted so as to drive in the actuator rod (33) . . . the bearing surface (231) extending axially downstream from the connection sleeve (11), intersecting said axis (X).” Similarly, for independent claim 18, Wells does not disclose at least the claim language of “wherein the bearing surface intersects the axis (X).”

Wells discloses an actuator 34 mounted on the stem 21 of a valve 20. (See Wells, FIG. 4.) Figure 4 of Wells clearly shows the structure of the actuator 34 in relation to the stem 21. In Wells, however, the trigger tab 36, which the Examiner alleges discloses a bearing surface, does not extend axially downstream from the internal bore 46, which the Examiner alleges discloses a connection sleeve. Furthermore, the trigger tab 36 does not intersect the axis of the stem.

In Wells it is not possible to put a finger on the bearing surface of the trigger tab 36 above the stem 21, because of the lower end 24 of the conduit 19 and the ferrule 45 located just

above the stem. (*See* Wells, FIG. 4.) Moreover, there would be no reason or need to place a bearing surface axially above the stem 21 in Wells because the actuator works by pivoting, and not by pure axial movement. (*See* Wells, col. 8, lines 50-56.) For this reason, a user would not seek to place his finger axially above the stem. On the contrary, a user would place his finger as remote as possible from the stem in order to increase the lever effect.

2. *Claims 1, 2, 4-8, 10, 11, 13, 17-20 under Lasserre.*

Applicant is amending independent claim 1 to incorporate the subject matter of original claims 2 and 3. Accordingly, the rejection under Lasserre is now moot.

Regarding independent claim 18, Applicant is amending independent claim 18 to incorporate the subject matter of claims 19, 5, 6, and 7.

Regarding independent claim 18, Lasserre does not disclose at least “a pump having an actuator rod displaceable along an axis (X).” In contrast, Lassere discloses a dispenser with a tilt valve having a tilting actuator rod and a head mounted on the tilting rod. (*See* Lasserre, FIG. 3C, “F” showing the application of the lateral application force to tilt the valve.) In order to actuate the valve, a lateral force F is imparted on the outer surface of the lateral skirt 41 of the head. (*See* Lasserre, FIG. 3C and p. 5, paragraph 68.) Thus, the elements 46 and 47 can not be considered as a bearing surface.

Furthermore, neither element 46 or 47 of Lasserre is located axially downstream from the connection sleeve and intersects the axis. Rather, only the axial orifice 48 is located at this area. (*See* Lasserre, FIG. 3C.) As such, Lasserre does not disclose at least the feature of “wherein the bearing surface intersects the axis (X)” recited in independent claim 18.

Additionally, the endpiece in Lasserre is axial, and not offset away from the axis. (*See* Lasserre, FIG. 3C.) As such, Lasserre does not disclose at least the feature of “wherein the

endpiece extends substantially parallel to the axis (X), and is offset from the axis (X)” recited in independent claim 18.

In view of the above, Lasserre does not disclose all of the features of independent claim 18. Claim 20 is allowable at least by virtue of its dependency from independent claim 18.

3. *Claims 1, 2, 14 and 18 under Morane.*

Applicant is amending independent claim 1 to incorporate the subject matter of original claims 2 and 3. Claim 14 depends from independent claim 1. Accordingly, the rejections of claims 1 and 14 under Morane is now moot.

Regarding independent claim 18, Applicant is amending independent claim 18 to incorporate the subject matter of claims 19, 5, 6, and 7. Accordingly, the rejection of claim 18 under Morane is now moot.

Claim Rejections under 35 U.S.C. § 103

4. *Claim 3 over Wells.*

As noted above, the subject matter of dependent claim 3 has been incorporated into independent claim 1. Independent claim 1, (which now includes the subject matter of claims 2 and 3) is allowable for at least the reasons noted above with respect to the rejection of independent claim 1 under Wells. Furthermore, it would not have been obvious to modify Wells to produce the features of dependent claim 3.

One of ordinary skill in the art of the present application would not have considered Wells when developing the current invention. The Wells reference relates to a tire inflator and sealant product, which is entirely different than the technical field of the present invention, which is a “cosmetic product dispenser head for mounting on an actuator rod (33) of a pump.” As such, it would not have been obvious to modify Wells as alleged by the Examiner.

5. *Claim 15 over Morane in view of Lewiecki.*

Claim 15 is allowable at least by virtue of its dependency from independent claim 1.

Allowable Subject Matter

The Examiner indicated that Claims 9 and 12 contain allowable subject matter. As the subject matter of these claims has not been amended, these claims remain allowable.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 21 and 22. Claims 21 and 22 are allowable at least by virtue of their respective dependencies from independent claims 1 or 18.

Independent claim 23 is allowable because none of the cited prior art discloses at least “an outer casing covering the core such that the outer casing closes the channel thereby forming a duct that runs from the inlet duct to the distal end of the endpiece.”

Claim 24 is allowable at least by virtue of its dependency from independent claim 23.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: December 30, 2009